

Appl. No. : 09/900,487
Filed : July 6, 2001

REMARKS

In the Office Action, the Examiner rejected Claims 32-37 and 42-44 as being anticipated by US 2002/005878 to Burton. This reference will be referred to herein as "Burton II," and the Burton reference cited in previous Office Actions (namely US 2002/0007321 A1) will be referred to as "Burton I." The Examiner also relied on U.S. 2002/0099609 ("Pons"), U.S. 2002/0133415 A1 ("Zarovinsky"), and U.S. Patent No. 6,167,383 ("Henson") as summarized below in rejecting the remaining claims on obviousness grounds.

<u>Claim(s)</u>	<u>References Applied</u>
1-5, 7-12, 27-30, 38, 39 and 45	Burton II and Pons
46, 49 and 50	Burton II and Zarovinsky
47	Burton II, Pons, and Zarovinski
6	Burton II, Pons and Henson
48	Burton II, Zarovinski, Henson

For the reasons set forth below, Applicants respectfully submit that all of the claim rejections are improper. Applicants will treat all of the cited references as prior art for purposes of responding to the Office Action, but reserve the right to later disqualify one or more references as prior art.

Applicants wish to initially point out that Burton II appears to contain all of the disclosure of Burton I. Applicants' previous discussion of Burton I therefore appears to be pertinent to Burton II.

I. Discussion of Burton II

Because Applicants believe the claim rejections are based on an inaccurate interpretation of Burton II, they will initially address the Examiner's characterization of this reference.

In the Office Action, the Examiner relied on Figure 39 of Burton II, which appears to be identical to Figure 39 Burton I. As discussed in Applicants' prior response, this figure depicts a "select a location" screen which allows the user to select a geographic location for placing a restaurant order. Order history information is displayed on the right hand side of this screen, apparently because the user has selected the "order history" link 2016 at the top of the page. See Burton II at paragraph 423.

Appl. No. : 09/900,487
Filed : July 6, 2001

In connection with this screen, the Examiner characterized the operation of Burton's system as follows. "The user chooses the location ACME (the dark boxed item), as the user presses Next an order history pertaining ACME is displayed." Office Action at page 3, lines 9-11. Applicants respectfully disagree with this characterization, as nothing in the text of Burton II suggests that the system operates in this manner. In this regard, the associated text of Burton II merely states that the display 2400 "shows a list 2412 of past orders 2414, one of which is expanded into a history detail area 2418, showing accounting details for that order," without any indication that the listing is based on the currently-selected location. See also Figure 65 and the associated description at paragraph 423.

In fact, the Examiner's characterization of Figure 39 appears to be inconsistent with Burton II's description of the NEXT and PREV buttons 2020 shown throughout various screens. According to Burton II, these buttons provide the following functionality: "Interactive features 2020, as shown in this example, allow a user to proceed to the next, or backtrack to the previous step in the order process." Burton II at paragraph 412, last sentence. In the context of Figure 39, the NEXT button 2020 thus apparently allows the user to proceed to the "select a restaurant" step once a desired restaurant location has been selected (note the sequence of steps 1-4 displayed on the left side of Figure 39). This step apparently involves the display of a separate "select a restaurant" screen, as depicted in Figures 36, 43 and 65. Thus, contrary to the Examiner's assertion, selection of the NEXT button 2020 in the screen shown in Figure 39 apparently does not cause this screen to be updated with location-specific order history information.

Indeed, as discussed in Applicants' prior response, the order history information in Burton II's system appears to be displayed chronologically, and not based on a currently-selected location. This is evident from the order history entry for the location "Altex" in Figure 39. (Note that this entry would not appear if the system only displayed orders corresponding to the selected location.) The user can apparently scroll through this chronological listing using the scroll bar at the right of the display, and select a specific entry for viewing in detail. The three Acme orders are apparently listed in this example screen only because these orders temporally precede the "Altex - Sushi Connection" order selected for viewing by the user, and not because the location "Acme" is selected.

Burton II and the other applied references are discussed further below in connection with specific claim rejections.

Appl. No. : 09/900,487
Filed : July 6, 2001

II. Anticipation Rejection of Claims 32-37 and 42-44

Independent Claim 32, and Claims 33-37 and 42-44 which depend from Claim 32, stand rejected as being anticipated by Burton II. Applicants submit that the anticipation rejection is improper because Burton II does not disclose all of the limitations of Claim 32.

For example, Burton does not disclose “receiving a request from a user for a product detail page of a first product that was previously ordered by the user;” and “in response to the request, supplementing the product detail page with at least an indication that the user previously ordered the first product,” within the context of the other claim limitations. In this regard, none of the drawings cited by the Examiner depicts a “product detail page” (note that the term “product detail page” is defined in the specification as “a page dedicated primarily to a particular product;” see page 5, line 16 of the present application). In addition, none of the sections cited by the Examiner discloses responding to a request for a product detail page by supplementing the page as claimed.

The Examiner’s position regarding Claim 32 is not clear from the Office Action. Given the Examiner’s reference to Figure 39 of Burton II, Applicants assume the Examiner is treating the screen shown in Figure 39 as the recited “product detail page of a first product that was previously ordered by the user.” In addition, Applicants assume the Examiner is treating the user’s selection of the NEXT button 2020 as a request for this page. Applicants further assume the Examiner is treating the display of order history information in Figure 39 as disclosing the step of “supplementing the product detail page with at least an indication that the user previously ordered the first product.”

To the extent this may be the Examiner’s position, Applicants respectfully disagree. Figure 39 does not depict “a product detail page of a first product that was previously ordered by the user.” Rather, it depicts a screen from which a user can select a desired location in which to place a restaurant order. None of the locations or restaurants listed in this screen display represents “a first product that was previously ordered by the user.”

In addition, selection of the NEXT button 2020 shown in Figure 39 does cause a supplemented version of this page to be displayed. Rather, as explained above, selection of this button 2020 apparently causes a separate “select a restaurant” screen to be displayed. Finally, even if the prior orders shown in Figure 39 were in fact displayed in response to the user’s selection of the NEXT button (as asserted by the Examiner), this listing of prior orders still

Appl. No. : 09/900,487
Filed : July 6, 2001

would not be “an indication that the user previously ordered the first product” as required by the claim.

In view of the foregoing, Applicants submit that Burton II does not disclose all of the limitations of Claim 32. If Applicants’ understanding of the Examiner’s position is inaccurate, the Examiner is respectfully requested to separately identify the portion of Burton II she is relying on as disclosing each claim limitation.

Applicants further submit that Burton II does not disclose the limitations added by dependent Claims 33-37 and 42-44. If the Examiner disagrees, she is respectfully requested to identify the portion of Burton II she is relying on in rejecting each dependent claim.

III. Obviousness Rejection of Claims 1-5, 7-12, 27-30, 38, 39 and 45

The Examiner rejected Claims 1-5, 7-12, 27-30, 38, 39 and 45 as obvious over Burton II in view of Pons. Applicants respectfully submit that these rejections are improper because Burton II and Pons do not collectively disclose or suggest all of the limitations of these claims.

The only independent claims of this group are Claims 1 and 27. Claim 1 includes the following limitations, among others:

- receiving a request from an online customer for a portion of the electronic catalog, wherein the portion corresponds to a subset of the products represented within the electronic catalog and provides functionality for selecting a product for purchase;
- identifying a related order previously placed by the customer, said related order being related to the subset of products;
- supplementing the portion of the electronic catalog with information about the related order; and
- returning the portion of the electronic catalog, as supplemented with the information about the related order, for presentation to the customer;
- whereby information about previous orders is presented to the customer contextually during browsing of the electronic catalog

In rejecting Claim 1, the Examiner appears to take the position that Figure 39 of Burton II discloses the “identifying” and “supplementing” portions of Claim 1, and discloses that “information about previous orders is presented to the customer contextually during browsing of the electronic catalog.” To the extent this may be the Examiner’s position, Applicants respectfully disagree. As discussed above, Burton II appears to display the user’s order history in a scrollable form, without regard to the currently selected restaurant location. Thus, even if the selected location could be viewed as the “subset of products” recited in Claim 1, the step of

Appl. No. : 09/900,487
Filed : July 6, 2001

“identifying a related order [that is] related to the subset of products” still would not be performed. In addition, the display of the information about the previous orders is not “presented to the customer contextually during browsing of the electronic catalog,” as required by the claim.

Independent Claim 27 includes the following limitations, among others:

wherein the server system is responsive to a request from a customer for a page from the electronic catalog by supplementing the page with information about a related order placed by the customer, said page being a catalog page that provides a user option to select a product for purchase, whereby customers are presented with context-dependent information about related orders during browsing of the electronic catalog

Although the Examiner did not separately address Claim 27, Applicants assume the Examiner is again taking the position that Figure 39 discloses these limitations. To the extent this may be the Examiner’s position, Applicants respectfully disagree. As discussed above, Figure 39 of Burton II does not suggest “supplementing the page with information about a related order placed by the customer” such that “customers are presented with context-dependent information about related orders during browsing of the electronic catalog.”

The Pons reference does not overcome the above-noted deficiencies in Burton II.

In view of the foregoing, Applicants submit that Claims 1 and 27 are patentably distinct from Burton II and Pons.

Dependent Claims 2-5, 7-12 28-30, 38, 39 and 45 are allowable over Burton II and Pons in view of their respective dependencies from independent Claims 1 and 27. In addition, these claims recite additional patentable distinctions over Burton II and Pons. If the Examiner disagrees, she is respectfully requested to identify, on a claim-by-claim basis, the portions of Burton II on which she is relying.

IV. Obviousness Rejection of Claims 46, 49 and 50

The Examiner rejected independent Claim 46 on obviousness grounds over Burton II in view of Zarovinsky. Applicants respectfully submit that the rejection is improper because, among other reasons, these references do not disclose or suggest a server system that “is responsive to a request from a user for a product detail page of the electronic catalog by (1) determining whether the user previously placed an order that is related to the product represented within the product detail page, and (2) if the user placed such a related order, supplementing the product detail page with information about the related order for presentation to the user, whereby

Appl. No. : 09/900,487
Filed : July 6, 2001

the server system reduces a likelihood that the user will place an unnecessary or undesirable order for said product.” As discussed above, Burton II does not disclose or suggest supplementing a product detail page with information about a related order as set forth in this claim.

Regarding the “whereby” clause of this claim, the Examiner relies on paragraph 35 of Zarovinsky, which discloses a feature in which information about the customer’s past orders is displayed during the ordering process. With Zarovinsky’s approach, the burden is apparently placed on the customer to review the history of prior orders to determine whether such orders are related to or duplicative of the order that is about to be placed. This task can be very tedious, especially if the user’s order history is large (e.g., many hundreds of prior orders). See present application at page 1, lines 30 and 31. Zarovinsky’s approach is thus inferior to the approach set forth in Claim 46, in which the recited server system determines whether the user previously placed an order that is related to the product represented within the product detail page.

Claims 49 and 50 depend from Claim 46, and are therefore patentable over Burton II and Zarovinsky for the reasons set forth above. Applicants also respectfully disagree with the Examiner’s assertion that Burton II discloses the limitations added by these claims.

V. Obviousness Rejection of dependent Claim 6

Dependent Claim 6 depends from Claim 1, and adds the following limitations: “wherein supplementing the portion of the electronic catalog comprises including within the portion an indication that a product represented therein is incompatible with a related product previously purchased by the customer.” In connection with this feature, the Examiner takes the position that Henson “teaches the indication of whether the product represented is incompatible with a product previously purchased by the user,” citing col. 7, lines 57-61 and col. 10, lines 26-29. Applicants respectfully disagree. The sections cited by the Examiner involve detecting the following (1) that the configuration options selected for a computer system being purchased are incompatible with each other, and (2) that an incompatible combination of systems is being added to the shopping cart. Nothing in the cited portion of Henson involves determining or indicating “compatibility with a related product previously purchased by the customer.”

Applicants also respectfully submit that the Examiner has not identified a valid suggestion to combine this teaching of Henson with the teachings of Burton II and Pons. Indeed, there would apparently be no reason to incorporate the automatic compatibility checking features

Appl. No. : 09/900,487
Filed : July 6, 2001

of Henson into either the food ordering system of Burton II or the point-of-sale vending machine system of Pons, as product compatibility is apparently not an issue in these systems.

In view of the foregoing, and for the reasons set forth above for Claim 1, Applicants submit that Claim 6 is patentable over Burton II, Pons and Henson.

VI. Obviousness Rejection of dependent Claim 48

Dependent Claim 48 depends from Claim 46, and adds the limitations "wherein the information about the related order comprises an indication of whether the product represented within the product detail page is compatible with a product previously purchased by the user." As discussed above with reference to Claim 6, Henson does not disclose or suggest this feature. The rejection of Claim 48 is therefore improper. The rejection is also improper for the reasons set forth above with respect to independent Claim 46.

VII. Conclusion

For the reasons set forth above, Applicants request that the outstanding rejections be withdrawn.

By focusing on specific claims and claim limitations in the discussion above, Applicants do not intend to imply an agreement with the Examiner's assertions regarding other claims and claim limitations.

If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at his direct dial number of 949-721-2950.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11-24-03

By: 

Ronald J. Schoenbaum
Registration No. 38,297
Attorney of Record
Customer No. 20,995